

Message

From: Otis, Andrew D. [aotis@curtis.com]
Sent: 9/11/2015 4:56:09 PM
To: Chalfant, Mark [Chalfant.Mark@epa.gov]
CC: Wilder, Scott [Wilder.Scott@epa.gov]; Cirian, Mike [Cirian.Mike@epa.gov]
Subject: RE: CFAC confidentiality agreement
Attachments: CFAC_AGRMT-CBI_CFAC_EXECUTED_09_11_2015.PDF

Dear Mark,

Attached please find a pdf copy of the above referenced confidentiality agreement executed by CFAC. Please return to me a copy of the agreement executed by EPA.

Best regards,

Andrew

From: Chalfant, Mark [mailto:Chalfant.Mark@epa.gov]
Sent: Thursday, September 10, 2015 2:40 PM
To: Otis, Andrew D.
Cc: Wilder, Scott; Cirian, Mike
Subject: RE: CFAC confidentiality agreement

Mr. Otis:
Your proposed approach sounds fine to me.
Thank you.
Mark

From: Otis, Andrew D. [mailto:aotis@curtis.com]
Sent: Thursday, September 10, 2015 12:39 PM
To: Chalfant, Mark
Cc: Wilder, Scott; Cirian, Mike
Subject: RE: CFAC confidentiality agreement

Mark,

Unless you want to do it differently, we will print out a final version of the confidentiality agreement with our changes, sign it and send a scanned copy of the signed version to you for EPA signature. Please let me know if you would like to use a different process to approve this agreement.

Best regards,

Andrew

From: Chalfant, Mark [mailto:Chalfant.Mark@epa.gov]
Sent: Thursday, September 10, 2015 2:02 PM
To: Otis, Andrew D.
Cc: Wilder, Scott; Cirian, Mike
Subject: RE: CFAC confidentiality agreement

Mr. Otis:

This is in response to your proposed changes to the draft confidentiality agreement. The proposed changes in the redline version are acceptable to EPA.

Thank you.

Mark

From: Otis, Andrew D. [<mailto:aotis@curtis.com>]

Sent: Thursday, September 10, 2015 7:22 AM

To: Chalfant, Mark

Cc: Wilder, Scott; Cirian, Mike

Subject: RE: CFAC confidentiality agreement

Mark,

I look forward to receiving the calendar invite.

Your changes to the agreement were, generally, fine. We have made some refinements in the attached red line. This remains subject to ultimate client approval. Please let me know if you have any questions or would like to discuss.

Best regards,

Andrew

From: Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]

Sent: Wednesday, September 09, 2015 7:02 PM

To: Otis, Andrew D.

Cc: Wilder, Scott; Cirian, Mike

Subject: RE: CFAC confidentiality agreement

Mr. Otis:

This is to confirm that Monday, September 21st at 3:00 p.m. works for the EPA team. I will send out a scheduler on Outlook first thing tomorrow morning. Thank you for your flexibility. Please let me know if you have any comments on the proposed confidentiality agreement in the meantime.

Mark

From: Otis, Andrew D. [<mailto:aotis@curtis.com>]

Sent: Wednesday, September 09, 2015 12:23 PM

To: Chalfant, Mark

Cc: Wilder, Scott; Cirian, Mike

Subject: RE: CFAC confidentiality agreement

Mark,

Unfortunately, our team is not available until Monday, September 21. We propose to meet at 3:00 p.m. that day if that works for your team.

Best regards,

Andrew

From: Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]

Sent: Wednesday, September 09, 2015 11:33 AM

To: Otis, Andrew D.
Cc: Wilder, Scott; Cirian, Mike
Subject: RE: CFAC confidentiality agreement

Mr. Otis:

Thank you for proposing a meeting time for Monday. Unfortunately, Mr. Wilder will be in transit to the Denver office that day. Tuesday works much better for us. We're happy to work around your schedule on Tuesday. Please let me know what time works for you.

Mark

From: Otis, Andrew D. [<mailto:aotis@curtis.com>]
Sent: Wednesday, September 09, 2015 9:30 AM
To: Chalfant, Mark
Cc: Wilder, Scott; Cirian, Mike
Subject: RE: CFAC confidentiality agreement

Mark,

Thanks for your mark-up of the Confidentiality Agreement. We are evaluating the paragraph that you inserted now and will get back to you.

I wanted to propose that we schedule a call for Monday, September 14 at 3:00 p.m. EDT. Please let me know if your team can meet at that time.

Best regards,

Andrew

From: Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]
Sent: Wednesday, September 09, 2015 10:51 AM
To: Otis, Andrew D.
Cc: Wilder, Scott; Cirian, Mike
Subject: RE: CFAC confidentiality agreement

Mr. Otis:

Thank you for your follow-up email regarding the confidentiality agreement. EPA does not have an objection to either of your requests below, and I have accepted your proposed changes. Attached please find a revised version which incorporates the changes which EPA has accepted. In addition, the attached revised version incorporates a new subparagraph 5c., which clarifies disclosure limitations with respect to other parties in litigation. It substantially mirrors the existing subparagraph 5b which governs disclosures to experts. EPA's proposed changes are highlighted in yellow. Please let me know if you have any questions or concerns about EPA's proposed changes.

In regard to rescheduling our meeting, I unfortunately have conflicts this afternoon and tomorrow morning. I have a message into Mr. Wilder about his availability early next week and will get back to you. Do you have a preferred time next week? My schedule is generally open on Monday and Tuesday except 1-2PM EDT Tuesday).

Thank you.
Mark

From: Otis, Andrew D. [mailto:aotis@curtis.com]
Sent: Tuesday, September 08, 2015 11:24 AM
To: Wilder, Scott
Cc: Chalfant, Mark
Subject: RE: CFAC confidentiality agreement

Dear Scott,

Thanks very much for sending us the proposed confidentiality agreement. Attached please find the Agreement in Word form with some comments from CFAC in track changes. Our comments are intended to address two issues:

1. We would like to share in the information with the entity that owns the membership interests of CFAC, thus we have added the ability to share the data with CFAC and its affiliates.
2. We would like the ability to use the past cost information that will be provided under agreement in cost recovery litigation, if applicable.


The document may be subject to further review and comment by my client.

Please feel free to contact me if you have any questions or would like to discuss these proposed changes or this agreement.

Best regards,

Andrew Otis

Andrew D. Otis
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 *Before printing this e-mail, please consider the impact on the environment.*

From: Wilder, Scott [mailto:Wilder.Scott@epa.gov]
Sent: Thursday, August 27, 2015 3:00 PM
To: Otis, Andrew D.
Cc: Chalfant, Mark
Subject: CFAC confidentiality agreement

Mr. Otis:

Attached please find the proposed confidentiality agreement that Mr. Chalfant mentioned in his email to you yesterday. Upon receipt of the executed agreement, EPA will return a fully signed copy of the agreement with the cost documentation disk.

Please let me know if you have any questions.

Thank you,

Scott Wilder
CERCLA Technical Enforcement Program
U.S. Environmental Protection Agency, Region 8
Currently located at:
1200 6th Ave. ORC-113
Seattle, WA 98101
tel. (206)553-6693

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Curtis, Mallet-Prevost, Colt & Mosle LLP (101 Park Avenue, New York, NY 10178)
